

December 19, 2001

HELLER EHRMAN WHITE & MCAULIFFE LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
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GAITHERSBURG, MD 20878-1917  
telephone 301-721-6100  
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## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: **38599.0015**

First Named Inventor: **James D. Thacker**

Title: **Methods for the Rapid Detection of Actively Respiring Microorganisms**

TO: **BOX PATENT APPLICATION**

Commissioner for Patents

Washington, D.C. 20231

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☒ Fee Transmittal Form (original and duplicate)
2. ☒ Specification - Total Pages: 22 (Including Abstract)

CLAIMS AS FILED						
	Claims Filed	Basic Fee Claims	Extra	Rate		Amount
				Large Entity	Small Entity	
Total Claims	20	20	0	\$ 18.00	\$ 9.00	\$ 0.00
Independent Claims	3	3	0	\$ 84.00	\$ 42.00	\$ 0.00
First Presentation of Multiple Dependent Claims				\$ 280.00	\$ 140.00	\$ 0.00
<b>BASIC FEE</b>				\$ 740.00	\$ 370.00	\$ 370.00
<b>TOTAL FILING FEE</b>						\$ 370.00

3. ☒ Drawings - Total Sheets: 4 (Fig(s). 1-4)

4. Oath or Declaration - Total Pages: 2

a. ☐ Newly executed (original or copy)

☐ New (unexecuted)

b. ☒ Copy from a prior application  
(for continuation/divisional with Box 17 completed)



**BOX PATENT APPLICATION**

December 19, 2001

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- i. ☐ **DELETION OF INVENTOR(s):**  
Signed statement attached deleting inventor(s) named in prior application.
5. ☒ **Incorporation By Reference (useable if Box 4b is marked)**  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ **Microfiche Computer Program (Appendix)**
7. ☐ **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**
- a. ☐ **Computer Readable Copy**
- b. ☐ **Paper Copy (identical to computer copy)**
- c. ☐ **Statement verifying identity of above copies**
8. ☐ **Assignment and Assignment Recordation Form**
9. ☐ **37 C.F.R. 3.73(b) Statement** ☐ **Power of Attorney**
10. ☐ **English Translation Document (if applicable)**
11. ☒ **Information Disclosure Statement with PTO-1449 and References**
- ☒ **Copies of Information Disclosure Statement Citations**
12. ☒ **Preliminary Amendment**
13. ☒ **Return Receipt Postcard**
14. ☒ **Small Entity Status Claimed:** ☐ **Independent Inventor**  
☒ **Small Business Concern**  
☐ **Non-Profit Organization**
15. ☐ **Foreign Priority is Claimed as Follows:**  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ **If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith**
16. ☐ **Other:** \_\_\_\_\_



**BOX PATENT APPLICATION**

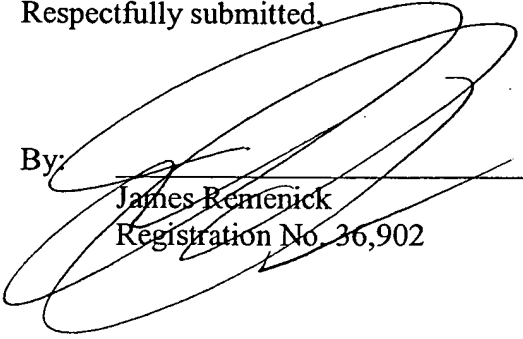
December 19, 2001

Page 3

17. ☐ Continuation ☒ Divisional ☐ Continuation-in-Part of  
Prior Application No.: 09/148,491 filed September 4, 1998
- ☒ Complete Application Based on Provisional Application No.: 60/057,657  
filed September 5, 1997
18. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is as follows:
- ☒ The power of attorney is to: James Remenick, Registration No. 36,902; Paul Booth, Registration No. 40,244; Colin G. Sandercock, Registration No. 31,298; Patricia D. Granados, Registration No. 33,683; John P. Isacson, Registration No. 33,715, Ronald J. Kamis, Registration No. 41,104; Marvin A. Motsenbocker, Registration No. 36,614; Susan E. McBee, Registration No. 39,294; Joe Puttlitz, Registration No. 45,279; and Stephen Yoder P-48,815.
19. Please address all correspondence to:
- ☒ **CUSTOMER NUMBER** 30082
- ☒ **James Remenick**  
Intellectual Property Department  
Heller Ehrman White & McAuliffe LLP  
Suite 300  
Gaithersburg, MD 20878-1917
20. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any such variance to **Deposit Account No. 08-1641**.
- ☒ The Commissioner is hereby authorized to charge the filing fee and any additional fees to **Deposit Account No. 08-1641**.

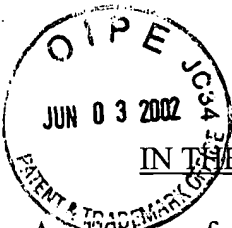
Respectfully submitted,

By:

  
James Remenick  
Registration No. 36,902

JR/krm  
Enclosures





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James D. Thacker

Application Number: 10/020,923

Filed: December 19, 2001

For: Methods for the Rapid Detection of Actively Respiring Microorganisms

Group Art Unit: 1645

Examiner: To Be Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**ATTN: BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the attached copy of the Notice to File Missing Parts of Nonprovisional Application mailed April 2, 2002, Applicant is submitting herewith a copy of the Utility Patent Application Transmittal filed on December 19, 2001, indicating that the filing fees were to be charged to Deposit Account No. 08-1641, and the postcard stamped-received by the U.S. Patent Office on December 19, 2001 authorizing the charge to this Deposit Account. Although the Deposit Account reconciliation statement is not yet available to the undersigned, it is believed that the fees were properly assessed to the account when the application was filed.

If there are any additional fees due with the filing of this Response, not otherwise accounted for herein, please charge any and all such fees to the undersigned's Deposit Account No. 08-1641.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & MCAULIFFE LLP

Date: June 3, 2002

By:

James Remenick  
Registration No. 36,902

**Customer No. 30082**

Heller Ehrman White & McAuliffe LLP  
Intellectual Property Department  
101 Orchard Ridge Drive; Suite 300  
Gaithersburg, MD 20878-1917  
Tel: (301) 721-6100  
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**DOCKETED**

**PATENT**

- ☐ PROVISIONAL  
☒ UTILITY  
☐ DESIGN

Application No.: TO BE ASSIGNED

Date: DECEMBER 19, 2001

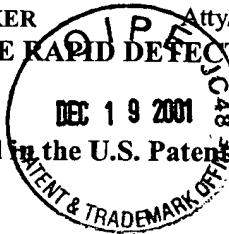
Client/Matter No.: 38599.0015

Client: THACO RESEARCH CORP.

Inventor(s): JAMES D. THACKER

Atty/Sec.: JR/KRM

Title: METHODS FOR THE RAPID DETECTION OF ACTIVELY RESPIRING ORGANISMS



The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Utility Patent Application Transmittal; 22 pages of specification including 20 claims and an Abstract  
☒ Copy of Executed Declaration  
☒ Preliminary Amendment (w/substitute first page of specification and substitute page containing abstract)  
☒ Information Disclosure Statement, Form PTO-1449, 11 references)  
☒ Authorization to Charge Deposit Account for fees

j1036 U.S. PTO  
10/020923



**BUSINESS REPLY CARD**

Heller Ehrman White & McAuliffe LLP  
101 Orchard Ridge Dr., Suite 300  
Gaithersburg MD 20878-1917

Attention: Patent and Trademark Department







## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

JUN 03 2002

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/020,923	12/19/2001	James Thacker	38599.0015

CONFIRMATION NO. 9929

## FORMALITIES LETTER



\*OC000000007764187\*

30082  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
SUITE 300  
101 ORCHARD RIDGE DR.  
GAITHERSBURG, MD 20878-1917

Date Mailed: 04/02/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 435.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/05/2002 MBIZUNES 00000037 081641 10020923

01 FC:201 370.00 CH  
02 FC:205 65.00 CH